THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.24963 of 2000

DATED: 24.07.2007

Between:

C.Anjaneyulu and another

.. Petitioners

And

The Government of A.P., rep. by its Secretary to
Municipal Administration, Hyderabad,
and another.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.24963 of 2000

ORDER:

This writ petition is filed questioning the validity of the order of the first respondent passed in G.O.Rt.No.1015, dated 06.11.2000.

2. The case of the petitioners is that the second respondent Municipality issued notification under the Land Acquisition Act for acquiring their land, for which, a notice under Section 4(1) and declaration under Section 6 of the Land Acquisition Act, 1894 were issued. Thereupon, questioning the said notification, the petitioners earlier approached this Court in W.P.No.16479 of 1986, wherein this Court, on 22.04.1987, specifically, directed the respondents to acquire the land of the petitioners on condition that compensation to the extent of 0.18 cents of land in LP No.92/77 is given to the petitioners coupled with the monetary equitable compensation to which they are entitled under the Land Acquisition Act. Aggrieved by the said order, the State of A.P. has carried the matter in Writ Appeal No.1035 of 1987 and the said writ appeal was dismissed on 4th day of August, 1987.

Further, the petitioners contend that thereafter, there were negotiations between them and the Commissioner of the second respondent Municipality. As per the negotiations, the petitioners agreed to take 52 cents of open space situated in LP.No.9/90 in lieu of parting of 35 cents situated in 1961-1, 1961-2, 1961-3 for which monetary compensation under the Land Acquisition Act also was to be

given to the them by the Judgment of the A.P High Court and their agreement was offered on 13.4.1987 and it was accepted by the Chairman, Municipal Council on the same day, and as such, the petitioners handed over their entire site of 35 cents to the second respondent Municipality.

3. Now, the petitioners' grievance is that, though this Court specifically directed the respondents to provide the site as stated above, pursuant to which, though G.O.Rt.No.1015 was issued on 06.11.2000, neither the petitioners were provided with alternative land nor were paid the compensation, hence, they approached this Court and filed the present writ petition.

4. Having heard both the counsel, this Court is of the view that pursuant to the directions of this Court in W.P.No.16479 of 1986, dated 22.04.1987, the Government has come forward and issued G.O.Rt.No.1015, dated 06.11.2000, whereby permission was accorded to the Municipal Council, Anantapur to allot 0-18 cents of land other than the reserved open space of approved lay out and pay compensation for the balance extent of 0-17 cents of site to the petitioners as per the judgment of this Court in W.P.No.16479 of 1986, dated 22.04.1987, but the petitioners without waiting for it and without any grievance, have come forward and filed the present writ petition.

5. As the said G.O.Rt.No.1015, dated 06.11.2000, clearly indicates that the petitioners will be provided with alternative land of 0.18 cents and payment of compensation for the balance extent of 0.17 cents, this Court is of the view that this writ petition is misconceived.

Having regard to the above facts and circumstances of the case,

I see no merits in this writ petition. However, the respondents are directed to implement the said G.O. and handover possession of 0-18 cents of land other than reserved open space of approved layout and also pay compensation for the balance extent of 0-17 cents to the petitioners at the earliest, preferably, within a period of four weeks from the date of receipt of a copy of this order.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(GOPALA KRISHNA TAMADA,J)

Dt.24.07.2007
Note: Furnish CC in one week
B/o
v v